

PARTIES

3. Plaintiff Andrew Patrick Brennan is an adult male and citizen of the State of Texas.

4. Defendant Monroe County Correctional Facility (hereinafter “MCCF”) is a department and/or division of the County of Monroe with a business address at 4250 Manor Dr. Stroudsburg, PA 18360.

5. At all times relevant herein, it is believed and, therefore, averred that Defendant, Garry Haidle is an adult male and believed to be a citizen of the Commonwealth of Pennsylvania, with a business address c/o the Monroe County Correctional Facility, 4250 Manor Dr. Stroudsburg, PA 18360.

6. At all times relevant herein, it is believed and, therefore, averred that Defendant, Lea Baylor is an adult female and believed to be a citizen of the Commonwealth of Pennsylvania, with a business address c/o the Monroe County Correctional Facility, 4250 Manor Dr. Stroudsburg, PA 18360.

7. At all times relevant hereto, Defendant Haidle was the Warden of the Monroe County Correctional Facility, and was empowered to and did formulate, establish, and enforce policies at the facility regarding detention and safety of inmates, including Plaintiff herein.

8. At all times relevant hereto, Defendant Lea Baylor was the Director of Treatment of the Defendant Monroe County Correctional Facility, and was empowered to and did formulate, establish, and enforce policies at the facility regarding detention and safety of inmates, including Plaintiff herein.

9. At all times relevant herein, Defendant PrimeCare Medical, Inc., is a corporation, partnership and/or other business entity organized and existing under the laws of the Commonwealth of Pennsylvania acting by and through its agents, servants, workers, employees

and/or other representatives, including its physicians and nursing staff, and acting in furtherance of its separate and/or individual status and/or acting as the agents, contractors and/or other representatives of the Defendant Monroe County Correctional Facility.

10. At all times relevant herein, Plaintiff Andrew Brennan entrusted his well-being to the Defendants herein, who held themselves out, inter alia, as competent to diagnose and/or otherwise treat serious medical conditions, as hereinafter more fully detailed at length.

11. On or about July 1, 2022, Plaintiff Andrew Brennan was arrested and ultimately placed in the general population at MCCF.

12. When arrested, it is believed and, therefore, averred that Defendants, by and through their agents, servants, workers and/or other representatives, specifically the medical staff, knew that Plaintiff underwent eye surgery, specifically selective laser trabeculoplasty surgery in June 2022, which required, inter alia, eye drops to reduce intraocular pressures.

13. Despite knowledge of the Plaintiff's eye condition, Defendants by and through their agents, servants, workers and/or other representatives, specifically the medical staff created, condoned, ratified and/or ignored a known serious medical condition associated with his eyes by refusing and/or deliberately ignoring, without cause or justification such medical condition and failed to provide proper and adequate medical attention, specifically the administration of medically needed eye drops to reduce and maintain depressed eye pressures.

14. It is believed and, therefore, averred that Defendants, by and through their agents, servants, workers, employees and/or other representatives implicitly if not explicitly created and allowed an environment where it was foreseeable that the Plaintiff's condition would worsen.

15. Despite the obvious cause and injuries inflicted as the result of the condition, Defendants, by and through their agents, servants, workers, employees and/or other representatives placed the Plaintiff in the general population, without proper medical attendance and care.

16. None of the Defendants herein, by and through their agents, servants, workers, employees and/or other representatives, responded to the multiple pleas for medical assistance or sought to intervene protect Plaintiff.

17. At all times relevant hereto, Defendants were employees of the Monroe County Correctional Facility, and were acting under the color of state law.

18. At all times relevant hereto, the Monroe County Correctional Facility was vicariously liable for negligent, reckless, intentional, wrongful, deliberately indifferent, and unlawful conduct of Defendants.

19. At all times relevant hereto, all Defendants were aware of, and recklessly and deliberately indifferent to the need for additional and/or different training, testing, rules, regulations, policies, procedures, guidelines, directives, monitoring, and investigation relating to the detention and protection of individuals who were susceptible to medical conditions including but not limited to Plaintiff.

20. All Defendants acted with deliberate indifference and without due care, in failing to provide needed medical attention for the Plaintiff Andrew Brennan. All Defendants acted with deliberate indifference to the need for additional and/or different training, testing, rules, regulations, policies, procedures, guidelines, and directives in failing to adequately monitor Plaintiff Andrew Brennan while he was in their exclusive custody.

21. The lack of supervision and medical treatment upon Plaintiff Andrew Patrick Brennan were the direct and proximate result of the recklessness and deliberate indifference of all Defendants named herein. Such reckless and deliberate indifference consisted of:

- a. failing to provide regular and continuous observation and supervision and/or control of Andrew Brennan's activities and well-being;
- b. failing to remove Andrew Brennan to consultation and/or hospital for medical care;
- c. failing to properly protect Andrew Brennan from deterioration of his well-being, given his then and there known medical condition;
- d. leaving Andrew Brennan unattended and unmonitored for long periods of time without proper referral, care, assessment and treatment;
- e. failing to timely evaluate and provide medical treatment to Andrew Brennan;
- f. failing to refer Plaintiff for an eye evaluation;
- g. failing to provide necessary medical treatment and care, including eye drops;
- h. delay in the administration of medical care and treatment;
- i. failing to refer Plaintiff for consultation and/or medical facility or to an eye specialist when needed and indicated;
- j. Such other and further acts of deliberate indifference as may be revealed through discovery.

22. As a direct result of the negligent, reckless, deliberately indifferent, intentional, outrageous, and wrongful conduct of the Defendants, jointly and/or severally, as set forth above and herein, Plaintiff Andrew Brennan suffered severe injuries and damages, including but not limited to the following:

- a. injuries to eyes;
- b. pain and suffering;
- c. mental anguish;
- d. humiliation; and
- e. embarrassment.

23. As a direct and proximate result of all the conduct of the Defendant, as described at length above and herein, Plaintiff Andrew Brennan was severely and irreparably injured.

24. As a direct and proximate result of the conduct of all Defendants named herein, and the injuries of the Plaintiff Andrew Brennan caused thereby were compelled to spend sums of money.

COUNT I

CIVIL RIGHTS

PLAINTIFF v. MONROE COUNTY CORRECTIONAL FACILITY, WARDEN GARRY HAIDLE, DIRECTOR OF TREATMENT LEA BAYLOR, PRIMECARE MEDICAL, INC. AND JOHN DOES AND JANE DOES #1-10

25. Plaintiff repeats and reallege the preceding paragraphs as though fully set forth herein.

26. The conduct of the Defendants as set forth above, acting under color of state law, and/or otherwise was intended to harm the Plaintiff Andrew Brennan and was recklessly and deliberately indifferent to the safety, bodily integrity, well-being, privacy, and liberty of the Plaintiff Andrew Brennan, and was committed in conscious disregard of the substantial and/or unjustifiable risk of causing harm to members of the public and to the Plaintiff Andrew Brennan, and was so egregious as to shock the conscience.

27. The conduct of the Defendants as set forth above violated the Plaintiff Andrew Brennan's constitutional rights to be free from unreasonable searches and seizures, rights to medical care in custody, rights to be free from cruel and unusual punishment, rights to privacy, and to substantial and procedural due process, as guaranteed by the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution, and as remediable pursuant to 42 U.S.C. § 1983.

28. As a direct and proximate result of the violations of Plaintiff Andrew Brennan's civil rights, he was caused to suffer grievous physical injuries as set forth above and herein.

WHEREFORE, Plaintiff Andrew Brennan demands judgment against all defendants, individually and/or jointly and severally, in excess of One Hundred Fifty Thousand (\$150,0000) dollars, exclusive of interest and costs, which sum includes, but is not limited to:

- a. Damages and costs of suit recoverable by plaintiff;
- b. All other damages and relief as is deemed necessary and equitable by the Court and/or jury presiding over this case;
- c. All damages recoverably under 42 U.S.C. § 1983.

COUNT 2
MEDICAL MALPRACTICE

PLAINTIFF v. MONROE COUNTY CORRECTIONAL FACILITY, WARDEN GARRY HAIDLE, DIRECTOR OF TREATMENT LEA BAYLOR, PRIMECARE MEDICAL, INC. AND JOHN DOES AND JANE DOES #1-10

29. Plaintiff hereby incorporates by reference all prior allegations set forth in paragraphs 1 through 28, inclusive, as though same were hereinafter set forth herein at length.

30. At all relevant and material times hereto, Defendants, were entrusted with the care, attendance and responsibility to oversee the Plaintiff, specifically his health and well-being.

31. Notwithstanding this duty, Defendants ignored and/or refused to provide the Plaintiff with proper and necessary medical care and attendance.

32. The medical malpractice, negligence, carelessness, recklessness, willful and wanton conduct, omissions and failures to comply with the applicable standards of medical care and conduct on the part of Defendants, by and through their agents, servants, workers, employees and/or other representatives, consisted of the following:

- (a) Refusing ignoring and failing to adequately monitor the physical condition of the Plaintiff while he was incarcerated;
- (b) Recognizing that the Plaintiff was admitted with a serious eye condition but refusing, ignoring and failing to provide any medical care to him for such serious medical condition;

- (c) Refusing, ignoring and failing to prescribe and administer eye medications, despite knowing that Plaintiff had been taking such medications prior to his detention;
- (d) Refusing, ignoring and failing to ensure that the eye pressure levels of Plaintiff were monitored and/or obtained;
- (e) Refusing, ignoring and failing to make sure that Plaintiff would have reasonable follow-up medical care to determine his eye ;
- (f) Refusing, ignoring and failing to examine Plaintiff with the care and skill ordinarily exercised in similar cases by a physicians and/or nursing staff;
- (g) Refusing, ignoring and failing to take the medical history of Plaintiff with the care and skill ordinarily exercised in similar cases by a physicians and/or nursing staff;
- (h) Refusing, ignoring and failing to recognize in a timely manner, or at all, that Plaintiff required medical care and attention for his serious medical eye;
- (i) Refusing, ignoring and failing to comply with the needs of Plaintiff with regard to necessary intervention by qualified medical care practitioners and physicians;
- (j) Refusing, ignoring and failing to comply with the needs of Plaintiff with regard to necessary intervention for his serious eye medical condition;
- (k) Refusing, ignoring and failing to properly and adequately provide treatment by an appropriate specialist preventing and depriving Plaintiff from receiving needed medical treatment for his serious eye medical condition;
- (l) By having in its employ, individuals inadequate to deal with signs and symptoms exhibited and to act upon them in a manner calculated not to preserve the health and safety of the Plaintiff;
- (m) Failing to possess and exercise the degree of knowledge, care and skill;
- (n) Knowing that Plaintiff was suffering from a serious eye condition yet failing, refusing and

ignoring to provide any medical care to him for such condition;

- (o) Failing to conform to all applicable standards of medical care under the circumstances;
- (p) Failing to properly and adequately order diagnostic tests to assess and monitor the eye condition of the Plaintiff;
- (q) Failing to properly and adequately educate, supervise, monitor and train its staff;
- (r) Failing to obtain timely and proper medical consultations;
- (s) Failing to properly respond to the deteriorating and worsening condition of Plaintiff in the face of known and/or suspected signs and symptoms;
- (t) Misrepresenting qualifications and credentials associated with the performance and practice of medicine;
- (u) Failing to properly document and assess the medical condition and well-being of the Plaintiffs;
- (v) Failing to order diagnostic tests of Plaintiff;
- (w) Failing to provide proper and adequate staffing;
- (x) Failing to properly investigate, hire, educate, train, supervise its medical staff and personnel;
- (y) Corporate negligence;
- (z) Vicarious liability;
- (aa) Hiring persons who were otherwise unfit and incompetent to practice medicine in the Commonwealth of Pennsylvania.

33. As a direct and proximate result of the negligence and/or carelessness of the Defendants, Plaintiff suffered serious personal injuries, including but not limited to vision loss; was caused to endure pain, suffering, mental shock and anguish; incurred medical expenses and may in the future incur additional medical expenses.

34. As a direct and proximate result of the negligence and/or carelessness of the Defendants, Plaintiff, was caused to endure pain, suffering, mental shock and anguish; effects on his avocations and occupations, emotional upset, incurred medical expenses and may in the future incur additional medical expenses.

35. As a direct and proximate result of the negligence and/or carelessness of the Defendants, Plaintiff suffered a diminution of their quality of life; and may endure future pain and suffering; and were otherwise injured and damaged.

36. As a further result of the negligence and/or carelessness of the Defendants, Plaintiff has been obligated to receive and undergo medical attention and care for the injuries, to incur various expenses for said care and may be obligated to continue to expend such sums and to incur such expenses for an indefinite period in the future.

37. As a direct result of the negligence and/or carelessness of the Defendants, Plaintiff has or may hereafter incur other financial expenses and/or compensatory losses to which he may otherwise be entitled to recover.

WHEREFORE, Plaintiff Andrew Brennan demands judgment against all defendants, individually and/or jointly and severally, in excess of One Hundred Fifty Thousand (\$150,0000) dollars, exclusive of interest and costs, which sum includes, but is not limited to:

- a. Damages and costs of suit recoverable by plaintiff;
- b. All other damages and relief as is deemed necessary and equitable by the Court and/or jury presiding over this case;
- c. All damages recoverably under 42 U.S.C. § 1983.

VAN DER VEEN, HARTSHORN, LEVIN & LINDHEIM

BY:

JERRY A. LINDHEIM, ESQUIRE

ID No. 53099

1219 Spruce Street

Philadelphia, PA 19107

P: (215) 546-1000

F: (215) 546-8529

j.lindheim@mtvlaw.com

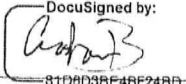
Attorneys for Plaintiff

Date: 6-12-24

VERIFICATION

I, Andrew Patrick Brennan, verify that I am the Plaintiff herein and that the facts set forth in the foregoing Responses to Request for Admissions are true and correct to the best of my knowledge, information, and belief.

I further understand that this statement is subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Signed:  81D9D38E48F24BD

Dated: 06-12-2024

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ANDREW PATRICK BRENNAN

(b) County of Residence of First Listed Plaintiff Bell County Texas
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

van der Veen, Hartshorn, Levin & Lindheim
Jerry A. Lindheim, GSA.1219 Spruce Street Phila, PA 19107 215-546-1000

DEFENDANTS

MONROE COUNTY CORRECTIONAL FACILITY, ET AL.

County of Residence of First Listed Defendant Monroe
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability		INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	LABOR	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights		FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	PRISONER PETITIONS	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 463 Alien Detainee		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 444 Amer. w/Disabilities - Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	IMMIGRATION	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 445 Amer. w/Disabilities - Other	<input type="checkbox"/> 530 General	<input type="checkbox"/> 462 Naturalization Application	
	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 465 Other Immigration Actions	
	<input type="checkbox"/> 448 Education	Other:		
		<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 1983

Brief description of cause:
Civil Rights

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

excess of \$150,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

6-12-24

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE